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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/618,920      | 07/18/2000  | Waiman Chan          | POU920000092US1     | 8929             |

7590

06/19/2003

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EXAMINER

BANANKHAH, MAJID A

ART UNIT

PAPER NUMBER

2127

DATE MAILED: 06/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Applicati n No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/618,920             | CHAN ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Majid A Banankhah      | 2127                |  |

-- The MAILING DATE f this communication app ars on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Pri rity under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. This office action is in response to application filed on July 18, 2000, Claims 1-4 are considered for examination.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones by (U.S. Pat. No. 6,282,561, hereinafter Jones).

Per claims 1, and 4, a method for managing resources in a data processing system, said method comprising (See Jones Abstract), resource management):

defining at least one type of resource, **together with a quantity associated with that type of resource** (col. 7, lines 37-50, Once the activity determines what resources it needs and **the quantity of those resources** it needs, the activity sends a request for the determined quantities of resources to local resource planner to obtain a reservation (step 36 in FIG. 2). The request that is submitted by the activity holds a "resource set).

said quantity being indicative of resource capacity, said type of resource being selected from the group consisting of hardware level resources, operating system level resources and application

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level resources (col. 9, lines 52-62, As can be seen above, the IResource interface includes a Total Amount( ) method that allows the resource planner 62 to determine the **total amount or capacity of the resource in the resource specific units**);

determining whether **a user has requested use of said at least one resource** (col. 7, lines 22-36, the user requests a read operation, the operating system 18 may provide a mechanism for determining the appropriate resource requirements for such an operation);

determining availability of said requested resource as to type and quantity (col.7, lines 22-36, Another alternative is for the system to record what resources are utilized during a read and cache those values so that the values are returned to the activity for use in making a resource reservation request);

dispatching a user job which requests said resource upon the condition that said resource is available in the type and quantity requested (col. 8, lines (col. 19-23, to figure out what amount of a set of resources must become available to satisfy a request).

Regarding the limitation of user supplied command statement, the system of Jones inherently teaches of command statement (col.7, lines 22-36, the user requests a read operation).

Per claim 2, the method of claim 1 in which said hardware level resources are selected from the group consisting of CPUs and random access memory (See Jones, col. 4, lines 35-47, A "resource," as used herein, refers to a limited hardware or software quantity that is provided by a

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machine. Examples of resources include CPU time, memory capacity, I/O bus bandwidth, network bandwidth, and devices, such as video frame buffers and sound cards. Resources may also encompass higher level software-defined resources that manage other resources).

Per claim 3, in which said operating system level resource is virtual memory (col. 6, lines 10-34, that it must call upon the **SCSI disk resource provider 52 and the I/O bus resource provider 54 to perform the disk read operation**).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Majid A. Banankhah** whose voice telephone number is **(703) 308-6903**. A voice mail service is also available at this number.

All response sent to U.S. Mail should be mailed to:

**Commissioner of Patent and Trademarks**

**Washington, D.C. 20231**

**Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA, Six Floor (Receptionist).** All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses to the Examiner.

**All Formal or Official Faxes must be signed and sent to either (703) 308-9051 or (703) 308-9052.** Official faxes will be handled and entered by the docketing personnel. The date

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of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Maid Banankhah

6/16/03

MAID BANANKHAH  
PRIMARY EXAMINER